IN THE HIGH COURT OF UTTARANCHAL,

AT NAINITAL

Criminal Misc. Application No. 624 of 2006

1. Praveen Kumar Chug S/o Sri Harbhagan Lal Chug
2. Barbhagan Lal Chug S/o Sri Hans Raj Chug
both R/o House No. 260 Ward Sector 11
Behind Nand Lal Sharma Hospital
Asand, District Karnal ...Applicants

Vs

1. State of Uttaranchal
2. Smt. Neelam W/o Parveen Kumar Chug
D/o Sri Manohar Lal
At present R/o 29 Govind Nagar, Rishikesh
Dehradun, District Dehradun ....Respondents

Sri Atul Bahuguna, learned counsel for the applicants.
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioners for quashing the criminal proceedings in Criminal Case. No. 706 of 2006 State Vs Parveen Kumar & another under Section 498- A I.P.C. read with Section 3/4 Dowry Prohibition Act pending in the court of Civil Judge (J.D.) / Judicial Magistrate, Rishikesh, District Dehradun.

2. Brief facts giving rise to this petition are that the respondent No. 2 – Smt. Neelam who is the wife of applicant No. 1- Praveen Kumar Chug on 13.12.2005 went for lodging the First Information Report against the applicants then the police did not lodge any report against the applicants. Thereafter she filed an application under Section 156 (3) Cr.P.C. before the court concerned and only thereafter the First Information Report was lodged on 21.12.2005 in the concerned police Station on the direction of the Magistrate concerned.

3. The police investigated the matter and submitted the chargesheet against the applicants before the court concerned. After submission of the chargesheet the Magistrate concerned on 04.07.2006 passed the summoning order against the applicants.

4. Feeling aggrieved by the aforesaid impugned summoning order, this petition has been filed by the petitioners for quashing the criminal proceedings pending before the court below.

5. Head Sri Atul Bhaguna, learned counsel for the petitioners, learned A.G.A. for the State and perused the record.

4. After having considered the arguments of the learned counsel for the petitioners, I am of the view that there is no abuse of process of court in this case. I am not supposed to act as a trial judge in order to assess the evidence which are still incomplete and hazy. It is for the trial judge to appreciate the evidence, which is yet to lead by the parties concerned before him. While exercising the jurisdiction under Section 482 Cr.P.C., I am not supposed to pre-judge, the police papers and any discrepancies therein.

5.. The allegations against the petitioners in the First Information Report and the material collected by the Investigating Officer during the investigation are referred to in the chargesheet and a prima-facie case is made out pertaining to the offence. I therefore, do not find any ground for quashing the criminal proceedings at this stage.

6. Therefore, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition is dismissed.

(B.C. Kandpal, J.)

04-08-2006
ASWAL